

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT MITCHELL,

Plaintiff,

v.

CORRECTIONAL OFFICER GILBERT,
et al.,

Defendants.

CIVIL NO. C09-5080-BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 60). The Court having considered the Report and Recommendation and the remaining record, and no objections having been filed, does hereby find and order:

- (1) The Court adopts the Report and Recommendation; and
- (2) The motion for default is **DENIED** because all defendants filed an answer within 60 days of accepting service by mail. Therefore, no defendant was in default.

DATED this 23rd day of March, 2010.



BENJAMIN H. SETTLE
United States District Judge

ORDER